

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR26
)	
vs.)	ORDER
)	
ARTURO W. TORRES,)	
)	
Defendant.)	

This matter is before the court on the motion of the government for reciprocal discovery (Filing No. 19). The government seeks documents, writings, and other information used by defendant Arturo W. Torres' expert, Robert L. Kirchner, in arriving at the expert's report and summary. Torres opposes the disclosure. The court held a hearing on the motion on August 13, 2013. Torres was present with his counsel, Dana C. Bradford, III, and the United States was represented by Assistant U.S. Attorney Russell X. Mayer. The court received into evidence the Kirchner report (Exhibit 1), a letter to Mr. Bradford (Exhibit 2); a Seized Asset Claim Form (Exhibit 101), and a CD of IRS Discovery documents (Exhibit 102). Exhibit 102 was returned to the parties following the hearing. The court heard argument from counsel.

The court finds the motion should be granted. Since Torres has employed an expert witness, Mr. Kirchner, and such expert has provided a report and is intended to be called as a witness at trial regarding that report, the government is entitled to documents, writings, and other information used by the expert in rendering his opinion at trial (i.e., the expert report) pursuant to Fed. R. Crim. P. 16(b)(1)(A); Fed. R. Evid. 1006; **see also *United States v. Reliant Energy Services, Inc.***, (N.D.Cal 2007), 2007 WL640939 2007.

Accordingly, Torres shall forthwith permit the government to examine, inspect and or copy such documents, writings, or other information used by Mr. Kirchner in arriving at his expert opinion and upon which Mr. Kirchner based his report.

IT IS SO ORDERED.

DATED this 22nd day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge